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9 UNITED STATES DISTRICT COURT
10 WESTERN DISTRICT OF WASHINGTON
11 AT TACOMA

12 ERIC LAWRENCE WRIGHT,

13 Plaintiff,

14 v.

15 PAUL PASTOR, *et al.*,

16 Defendants.

17 No. C08-5603 RJB/KLS

18 **ORDER ADOPTING REPORT AND**
19 **RECOMMENDATION**

20 The Court, having reviewed the Report and Recommendation of Magistrate Judge Karen
21 L. Strombom and the remaining record, does hereby find and ORDER:

22 (1) The Court adopts the Report and Recommendation (Dkt. 21);
23 (2) This action is **DISMISSED without prejudice** prior to service for failure to state
24 a claim. **This dismissal counts as a strike pursuant to 28 U.S.C. § 1915(g);** and
25 (3) The Clerk is directed to send copies of this Order to Plaintiff, counsel for any
26 Defendants who have appeared, and to the Hon. Karen L. Strombom.
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28 **ORDER ADOPTING REPORT AND RECOMMENDATION- 1**

1 DATED at Tacoma, Washington this 10th day of June, 2009.

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5 ROBERT J. BRYAN
6 United States District Judge
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ORDER ADOPTING REPORT AND RECOMMENDATION- 2